



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3501 FAX (603) 271-6683



<u>Sherryland Park, Inc</u>)	ADMINISTRATIVE ORDER
Sherryland Park)	NO. WD 2001-27
Tilton, NH 03276)	
)	
Re: Sherryland Park septic system)	July 16 , 2001
Site 35)	
)	

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, pursuant to RSA 485-A:42. This order is effective on issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 6 Hazen Drive, Concord, New Hampshire.
2. Sherryland Park, Inc. is a New Hampshire corporation duly registered with the Secretary of State and having a mailing address of Sherryland Park, Tilton, NH 03276.

C. STATEMENT OF FACTS AND LAW

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual subsurface sewage disposal systems ("septic systems") thereon. Pursuant to rulemaking authority conferred thereby, the Commissioner of DES has adopted Env-Ws 1000 to implement this program.
2. RSA 485-A:37 requires persons who acquire or install septic systems in accordance with the terms of RSA 485-A:29-44 to operate and maintain those systems in such a manner as to prevent a nuisance or potential health hazard due to the failure of the system.
3. Sherryland Park, Inc. is the owner of record of a certain property located at Sherryland Park, in the Town of Tilton, NH and more particularly identified as Lot # 8 on Tax Map R-13, and known as Sherryland Village Mobile Home Park ("the Property").
4. George Hast is the president of Sherryland Park, Inc.
5. On December 13, 2000, DES personnel inspected the Property. The inspection revealed that the septic tank serving Lot 35 on the Property was nearly full, and the distribution box serving Lots 31 and 35 was nearly flooded.

6. George Hast was present at the inspection. Mr. Hast was informed that the law requires that owners of permitted septic systems are required to properly maintain those systems. Mr. Hast agreed to pump the tank and to monitor water usage from the two lots to determine whether excessive water use was stressing the septic system serving the lots.
7. DES issued Letter of Deficiency No. WD SS 2000-07 dated December 29, 2000 to Mr. Hast, requesting him to meter water usage while having a new septic system designed and installed and to pump the septic tank as needed to prevent overflow or back flow.
8. On April 6, 2001, DES personnel again inspected the Property, again with Mr. Hast present. The inspection revealed that the septic tank serving Lot 35 was again full, and sewage was backing up into the mobile home on Lot 35. The water monitors at the homes on Lot 35 and 31 showed no unusual water usage.
9. On April 6, 2001, DES personnel discussed the recurring problem with Mr. Hast. Mr. Hast requested permission to pump the effluent from the septic tank on Lot 35 to an unused septic leachfield up the hill and across a road from the lot, until he could have a new system designed for Lots 31 and 35. DES agreed to this arrangement.
10. To date, Mr. Hast has not submitted an application for a replacement septic system to serve Lots 31 and 35, and has removed the hose between the septic tank on Lot 35 and the alternate leachfield.

D. DETERMINATION OF VIOLATIONS

1. Sherryland Park, Inc. has violated RSA 485-A:37 by failing to properly operate and maintain a subsurface septic system on the Property.

E. ORDER

Based upon the above findings and determinations, DES hereby orders Sherryland Park, Inc. as follows:

1. Engage a permitted septic system designer to prepare and submit septic system plans and specifications to DES.
2. Obtain approval to construct the system
3. Construct and obtain approval to cover and use the new system. Contact the DES regional inspector at (603) 271-2182 to schedule an inspection after the new system is constructed, but before it is back-filled and put to use.

Please address any correspondence to:

Richard J. de Seve, Compliance Supervisor
DES Water Division - Subsurface Systems Bureau
PO Box 95, 6 Hazen Drive
Concord, NH 03302-0095

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Sherryland Park, Inc. of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485-A:43 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Sherryland Park, Inc. remains obligated to comply with all applicable requirements, in particular replacing the failed septic system on the Property and operating and maintaining the septic systems on the Property so as to prevent a nuisance or potential health hazard due to failure of the system. DES will continue to monitor Sherryland Park, Inc.'s compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Belknap County Registry of Deeds so as to run with the land.

for **COPY**
Robert W. Varney
Harry T. Stewart, P.E., Director
Water Division

COPY
Robert W. Varney / *ASB*
Robert W. Varney, Commissioner

Certified Mail/RRR: 7099 3400 0003 0695 9286

cc: Honorable R. Burton, Executive Council
Gretchen Rule, DES Enforcement Coordinator
Public Information Officer, DES PIP Office
NH AGO
J. Pleshner, Health Officer, Town of Tilton
Board of Selectmen, Town of Tilton
R. Snuffer
E. J. Waters, Jr., Esq.
R. Cowan